

## PROOF OF CLAIM

Name of Debtor Debit Corporation of America, Inc.		Case Number 04-14360 - BKC - AJC	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. (See Local Rule 3001-1(B))			
Name of Creditor (The person or other entity to whom the debtor owes money or property): Kevin Vesoloski Name and Address where notices should be sent:  Kevin Vesoloski 163 Dubois Ave. Sea Cliff NY 11579-1821  Telephone Number:		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Account or other number by which creditor identifies debtor: (If SS# only list last 4 digits of SS#):		Check here if <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated _____	
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <u>Contract</u>		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: <u>xxx-xx-</u> _____ Unpaid compensation for services performed from _____ to _____ (date) (date)	
2. Date debt was incurred:		3. If court judgment, date obtained:	
4. Total Amount of Claim at Time Case Filed: \$ _____ + <u>\$14,915.00</u> = _____ (Unsecured Nonpriority) (Secured) (Unsecured Priority) (Total)			
Complete items 5, 6, and 7 (as applicable) to further describe the amount(s) you indicated in item 4. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at the time the case was filed included in secured claim, if any: \$ _____		7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$ 2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____).  *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after date of adjustment.	
6. Unsecured Nonpriority Claim \$ <u>14,915.00</u> <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		THIS SPACE IS FOR COURT USE ONLY	
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			
9. Supporting Documents: Attach legible copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. Supporting documents should not exceed 5 pages (See reverse for instructions)			
10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim. Research and/or copy charges will apply for future copy requests of claims.			
Date <u>5-24-04</u>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <u>Kevin Vesoloski Kevin Vesoloski</u>		
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.			

Complaint #: 1427442

Complaint Type: General Complaint (not a car maker)

Date Received: 3/17/2004

Primary Complaint Classification: Delivery Issues

Secondary Complaint Classification: Refund Practices

Complaint:

My name is KEVIN VESOLOSKI, On November 24th 2003 I purchased three franchise sales systems from DEBIT CORPORATION OF AMERICA for the sum of \$14,915.00 in selling the prepaid debit mastercard. They were supposed to supply me with all the materials needed to sell these cards and the location of the stores I would be selling them in. The only things that I received were the vouchers to obtain the cards and a box full of useless literature. They never sent The displays and the vouchers were not honored by their card processor. I sold several vouchers to friends and family members but they never received any cards. I contacted their company at least ten times to try to work this out but nothing has happened, now they will not even take any of my calls. I even sent a registered letter to the president and never received any response. They have cost me a lot of time and money besides the original \$14,915.00 that I invested. This has to be totally illegal business practices I want my entire original investment of \$14,915.00 back. It states right in the contract that I signed with them that if I do not receive everything that is stated in the contract within a 45 day period that the contract is void. It has been almost four months and I have received nothing but useless literature. Please help me! KEVIN VESOLOSKI

Desired Settlement: Refund

Settlement Explanation:

I want my entire original investment returned \$14,915.00

Customer Service Rep: Mr. mark pelle

Product or Service: 3 franchise sales systems for prepaid mastercard

Model Number:

Account Number: 4147 ID number

Order Number:

Salesperson: Mr. Mark pelle

Payment Made: Yes

Purchase Price: 1491500

Disputed Amount: 1491500

Payment Method: Check

Purchase Date: 11/24/2003

Problem Date: 1/3/2004

Complaint Dates: 1/3/2004, 2/2/2004, 3/4/2004

**The bureau that will handle your complaint is:**

BBB Serving Miami, Ft. Lauderdale, and West Palm Beach Areas

2924 N Australian Ave.

West Palm Beach, FL 33407

**Phone:** (561)842-1918

**Fax:** (561)845-7234

**Email:** [complaints@westpalm.bbb.org](mailto:complaints@westpalm.bbb.org)

**WWW:** <http://www.bbbsoutheastflorida.org>

*Kevin Vesoloski*

4/7/2004

**PURCHASE ORDER**  
**DEBIT CORPORATION**  
**OF AMERICA, INC.**

3475 Sheridan Street, Suite 215F, Hollywood, FL 33021  
Phone: (954) 981-4447 • Fax: (954) 981-4421  
Toll Free: (800) 468-3213 • Fax: (800) 468-1836

ID# ~~6031~~ 4147  
County Nassau

Purchaser's Name Kevin Vesolowski Date 11-24-03  
Purchaser's Address 163 DuBois Ave  
City Sea Cliff State NY Zip 11579  
Home Phone 516/656-0038 Business Phone 516/671-5466

No. of Sales 3  
Systems to ship: 3

Face Value of Prepaid MasterCard  
Activation Certificates to ship: 3,000

Purchase Price Sales Systems .....	<del>14,915</del> 14,915	\$	_____
Purchase Price of Additional Items .....	0	\$	_____
Total .....	<del>14,915</del> 14,915	\$	_____
Sales Tax (FL Residents Only) .....	0	\$	_____
Amount Paid .....	14,915	\$	_____

Special Provisions Shipping, Handling, POSTERS, Banners,  
Graphics, Pamphlets All provided at no charge  
See quotations of DISTRIBUTORS share of PROFITS  
UNQUOTE - See ATTACHMENT A Paid in full Check No -

Purchaser acknowledges the receipt of all Disclosure Documents of Seller ten (10) business days prior to acceptance and deposit of funds and that **this sale is subject to the terms on the reverse of this Purchase Order.**

**ACCEPTED AND APPROVED**

By: [Signature] By: Kevin Vesolowski  
COMPANY OFFICER BUYER

AIN # BO2403

I have read and agree to the Terms and  
Conditions on the back of this Purchase Order.



# FELDMAN, KRAMER & MONACO, P.C.

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212.809.7373  
800.832.5182  
FAX 631.231.4732  
E-MAIL: fkm1aw.com

May 4, 2004

Debit Corporation of America  
4895 NE 20<sup>th</sup> Avenue  
North Miami, FL 33181

Re: Mr. Kevin Vesoloski  
163 Dubois Avenue  
Seacliff, NY 11579  
Our File # 281857

Dear Sir/Madam:

This office has been contacted by Mr. Kevin Vesoloski regarding a refund due him.

Mr. Vesoloski informs us that, on November 24, 2003, he entered into a contract to purchase three (3) sales systems from your company for Fourteen Thousand Nine Hundred Fifteen Dollars (\$14,915.00). Mr. Vesoloski states that he was supposed to be supplied with activation certificates, displays and store locations to sell the prepaid debit Mastercard, but, he never received any of those. Mr. Vesoloski further states that he has made several attempts to rectify this matter, without success.

Accordingly, we request that you forward a full refund in the amount \$14,915.00 to Mr. Vesoloski. Your failure to do so will leave us no alternative, but to advise Mr. Vesoloski of his full legal rights and remedies in this matter.

Very truly yours,

FELDMAN, KRAMER & MONACO, P.C.

Joseph M. Rosenthal

JMR: jd/PP/281857

Cc: Mr. Kevin Vesoloski

*Kevin Vesoloski*

NASSAU OFFICE:  
805 SMITH STREET  
BALDWIN, NY 11510

BROOKLYN OFFICE:  
335 ADAMS STREET, SUITE 2720  
BROOKLYN, NEW YORK 11201

QUEENS OFFICE:  
169-16 JAMAICA AVENUE  
JAMAICA, NEW YORK 11432

NEW YORK CITY OFFICE:  
267 BROADWAY  
NEW YORK, NY 10007

WESTCHESTER OFFICE:  
520 NORTH STREET ROAD  
BRIARCLIFF MANOR, NEW YORK 10510



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E-MAIL: fklaw.com

May 20, 2004

Debit Corporation of America  
4895 NE 20<sup>th</sup> Avenue  
North Miami, FL 33181  
Attn: Mr. William S. Martin, President

Re: Mr. Kevin Vesoloski  
163 Dubois Avenue  
Seacliff, NY 11579  
Our File # PP 281857

Dear Mr. Martin:

This office has been contacted again by Mr. Kevin Vesoloski regarding a refund due him.

In our letter dated May 5, 2004, we told you that Mr. Vesoloski informed us that, on November 24, 2003, he entered into a contract to purchase three (3) sales systems from your company for Fourteen Thousand Nine Hundred Fifteen Dollars (\$14,915.00). Mr. Vesoloski stated that he was supposed to be supplied with activation certificates, displays and store locations to sell the prepaid debit Mastercard, but, he never received any of those. Mr. Vesoloski further stated that he made several attempts to rectify the matter, but with no success.

Mr. Vesoloski now informs us that in response to our letter you finally sent him the activation certificates, but he advises us that he returned them back to you. Mr. Vesoloski states that it is unacceptable that you sent the certificates six (6) months after he signed the contract when he was supposed to receive them in forty-five (45) days. Mr. Vesoloski states that he has lost a great deal of money because of your failure to abide by the contract terms and he will not be satisfied with anything other than a full refund.

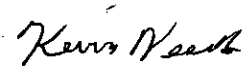
Accordingly, we hereby demand that you forward a full refund in the amount Fourteen Thousand Nine Hundred Fifteen Dollars (\$14,915.00) directly to Mr. Vesoloski. Your failure to do so will leave us no alternative, but to advise Mr. Vesoloski of his full legal rights and remedies in this matter.

Very truly yours,

FELDMAN, KRAMER & MONACO, P.C.

  
Sally A. Abel

SAA: mq/jd/PP/281857

Cc: Mr. Kevin Vesoloski - 

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